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PTO/SB/26 (09-04)
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

Docket Number (Optional)

REJECTION OVER A "PRIOR" PATENT	20343/1202370-US2
In re Application of: Donald B. Borders et al.	
Application No.: 10/810,741-Conf. #9685	
Filed: March 26, 2004	
For: EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICS	
The owner*,Migenix Inc, constant application hereby disclaims, except as provided below, the terminal part of the statuto	
instant application which would extend beyond the expiration date of the full statutory term of price 6,511,962 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the tenshortened by any terminal disclaimer. The owner hereby agrees that any patent so granted enforceable only for and during such period that it and the prior patents are commonly own patent granted on the instant application and is binding upon the grantee, its successors or as	n of said prior patents is presently on the instant application shall be led. This agreement runs with any
In making the above disclaimer, the owner does not disclaim the terminal part of the term of application that would extend to the expiration date of the full statutory term as defined in 3 patents, "as the term of said prior patents is presently shortened by any terminal disclatents later: expire for failure to pay a maintenance fee; are held unenforceable; are found invalid by a court of competent jurisdiction;	5 U.S.C. 154 and 173 of the prior
are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; have all claims canceled by a reexamination certificate; are reissued; or are in any manner terminated prior to the expiration of its full statutory term as presently sh	ortened by any terminal disclaimer.
Check either box 1 or 2 below, if appropriate.	
For submissions on behalf of a business/organization (e.g., corporation, partnershi etc.), the undersigned is empowered to act on behalf of the business/organization.	
I hereby declare that all statements made herein of my own knowledge are true and that and belief are believed to be true; and further that these statements were made with the knowledge are punishable by fine or imprisonment, or both, under Section 1001 of and that such willful false statements may jeopardize the validity of the application or any pate	wledge that willful false statements Title 18 of the United States Code
2. The undersigned is an attorney or agent of record. Reg. No. 46,985	
Sighature .	February 28, 2006 Date
Jeffrey C. Pepe, Ph.D. Typed or printed name	
Typed of printed name	(206) 262-8911 Telephone Number
X Terminal disclaimer fee under 37 CFR 1.20(d) is included.	
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the as Form PTO/SB/96 may be used for making this certification. See MPEP § 324.	ssignee (owner).
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PTO/SB/96 (12-05)

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	SIAIEMENI	UNDER 37 CI	-R 3./3(D)	
Applicant/Patent Owner:	Migenix Inc.			
Application No./Patent No./Control No.:	10/810,741	Filed/Issu	e Date:	March 26, 2004
Entitled: EXTRACTIVE	PURIFICATION OF LIF	POPEPTIDE ANTI	BIOTICS	
Migeni	x Inc. ,	a	Cor	ooration tnership, university, government agency, etc.)
(Name of Assignee)		(Type of Assignee, e.	g., corporation, par	tnership, university, government agency, etc.)
states that it is:				
1. x the assignee of	the entire right, title, and	d interest; or		
	less than the entire right	•		
(The extent (by in the patent application/p.	percentage) of its owner	-	%)	
	·			
	om the inventor(s) of the he United States Patent			ified above. The assignment
	ne officed States Faterit or a true copy			ttached.
OR				
B. X A chain of title from assignee as follows:		patent application	/patent identi	fied above, to the current
	ers, Donald B.		BioSource	
	ent was recorded in the l			
Reel0	13135 , Frame			y thereof is attached.
	ource Pharm, Inc. ent was recorded in the U			Pharmaceuticals, Inc.
	13222 , Frame			
	biotics Pharmaceuticals,			
	ent was recorded in the l			
Reel C	13335 , Frame	0774 , or for	which a cop	y thereof is attached.
X Additional do	cuments in the chain of ti	itle are listed on a	supplementa	l sheet.
to the assignee was [NOTE: A separate of	, or concurrently is being opy (i.e., a true copy of the	g , submitted for re e original assignme	cordation pu nt document(s	of title from the original owner ursuant to 37 CFR 3.11. s)) must be submitted to tin the records of the USPTO.
The undersigned (whose t	itle is supplied below) is	authorized to act	on behalf of t	he assignee.
JM	hug /			February 28, 2006
11	Signature	-		Date
	ery C. Pepe, Ph.D.			(206) 262-8900
	ted or Typed Name			Telephone Number
Att	orney for Assignee Title			
	THE			

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Continuati	on of chain of title from the inventor(s) to the current assignee.	
4. From:	Micrologix Biotech Inc.	To: Migenix Inc.	
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